

### **RESPONSE**

The undersigned would hereby submit the following in reference to the specific concerns the examiner raised in the Office Action Summary dated February 25, 2005.

### **IN THE DRAWINGS**

The examiner has objected to the use of the drawings in that the half and full screen track of claim seven and eight must be shown or the feature cancelled the claim.

The undersigned has amended the claims in this case to address those concerns. The undersigned is also submitting new drawings. No new matter is being added by these replacement drawings.

### **IN THE CLAIMS**

The examiner has objected to claims 1, 2, 4, 7, and 8 because of various informalities. Claims 3 through 6 have been objected to as being in improper dependent form.

The undersigned has cancelled claims 1 through 11 and has submitted new claims to address the concerns of the examiner.

### **REJECTIONS UNDER 35 U.S.C. SECTION 112**

The examiner has rejected claims 1, 3-6, 9 and 10 as being indefinite. Again, the undersigned has amended the claims to address those concerns.

### **REJECTIONS UNDER 35 U.S.C. SECTION 102**

The examiner has rejected claims 1 through 4 and claims 6 and 8 as being anticipated by Haas, patent number 6,269,597.

Haas discloses a device used to protect windows, which is comprised of:

- a. a flat piece of protective (panel) material;
- b. two sets of identical length bars or channels;
- c. slots;
- d. wing nut;
- e. bolts;

The Haas device is a frame, which surrounds the casing for a window. The frame is permanently attached to the building structure. The Haas device is comprised of four pieces of channel or pieces of steel into which one edge of the protective panel would be inserted. Three pieces of channel (5,6,7) as shown in the patent are permanently fastened to the building structure with an attachment means (10). The other piece of channel (8) can be removed in order to insert the top protective cover (13) over the window. The channel (8) is then reinstalled. The four channels, which form the perimeter of the device, provide the frame structure which surrounds the window. The panel (13) which covers the window protects the window from flying debris.

The current device does not involve installation of any guides or channels on the building structure. Instead it relies on the existing screen track of the window to mount the device. It does not involve installation of any perimeter structure around the window and also does not require the removal of any pieces which surround the casing of the window frame.

The protective panel (100), which is used in the present application, uses two identical bars (200, 300) which are inserted through holes (400, 450) in the panel. Both rigid bars have threaded pieces of stock (205, 305) which are placed through a series of holes (400, 450) in the panel.

One set of holes allow some lateral movement of the rigid bar in order to place the edge of the rigid bar within the screen track. One bar is stationary while the other can move from side to side because of the different configuration of the holes (400, 450).

**Haas** does not teach this device and does not make the current application obvious.

#### **REJECTIONS UNDER SECTION 35 U.S.C. 103**

The examiner has also rejected claim 5 as being unpatentable over **Haas** 6,269,597 in view of **Ralph** 5,388,352.

With regard to **Ralph**, this merely teaches the use of washers. The purpose of the washer in this case is to maintain

contact with the surface area of the panel particularly over the area of the hole so that it does not move. The claim referencing the use of washers has been removed to remove the specific reference to washers.

Ralph teaches the use of washers with a wing nut securing a panel. The undersigned has amended the claims which renders this particular objection moot.

The examiner has also rejected claims 7 and 9 through 11 as being unpatentable over Haas.

Haas includes a mold in which will protect the top half of the window from damage. Again, the amended claims address the concerns of the examiner.


The undersigned would hereby request that this application be put in line for allowance.

#### **ARGUMENT**

In this device one set of holes (450) position the rigid bar (200) in one position. The rigid bars (200) is secured to the panel using a means of connection such as a nut (210) with a washer (220). The other rigid bar (300) is secured to the panel by inserting the threaded stock (305) through the hole (400) in the panel. The rigid bar (300) is secured to the panel (100) using a means of connection such as a wing nut (310) and washer

(320). This bar (300) is allowed to move laterally a predetermined distance.

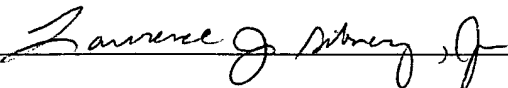
The panel (100) is secured to the window by inserting one edge of the rigid bar (200) in the screen track. The other rigid bar (300) is then inserted into the screen track of the window. The respective means to secure (210, 310) allow the panel to be secured over the window such as shown in Figure 6.

  
L. Jack Gibney, Esquire  
Attorney for Applicant  
Registration No.: 49062  
4465 Baymeadows Road, Suite 2  
Jacksonville, Florida 32217  
(904) 443-7770  
[jack@gibneylaw.com](mailto:jack@gibneylaw.com)

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Print Name: Lawrence J. Gibney, Jr.

Date: April 25, 2005